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Circular.

INSANITARY DWELLINGS.

DEPARTMENT OF STATE,
Washington, November 30, 1903.

To Certain Consular Officers of the United States.

GENTLEMEN: At the request of the Treasury Department in a letter of November 19, 1903, you will please obtain and forward for the use of the Public Health and Marine-Hospital Service the laws or regulations of the cities in which you are respectively located requiring the vacation of insanitary dwellings and the laws or regulations requiring the demolition of such buildings.

You will also report what provision, if any, is made for reimbursing either the tenant for vacating or the owner for the demolition of the houses.

I am, gentlemen, your obedient servant,

HERBERT H. D. PEIRCE,
Third Assistant Secretary.

Replies of consuls.

GREAT BRITAIN.

Report from Belfast.

The following is received from Consul Touvelle, under date of January 26, 1904:

In compliance with the instructions of circular, dated November 30, 1903, in reference to insanitary dwellings, I have to report that, after making investigation I find that there are no local by-laws or regulations governing the vacation or demolition of insanitary dwellings in this city. All proceedings in such cases are taken under the Public Health (Ireland) Act, 1878, and the Housing of the Working Classes Act, 1890–1896.

Compensation in respect of any house or premises vacated or demolished is only payable when said house or premises is included in a scheme for the improvement of an unhealthy area under part 1 of the Housing of the Working Classes Act, 1890.

Report from Leeds.

The following is received from Consul Dexter:

The general Public Health Act, 1875, section 97, provides that where a nuisance proved to exist is such as to render the house or building unfit for human habitation, the court may prohibit the using thereof for that purpose until, in its judgment, the house is fit for that purpose.

In regard to cellar dwellings, section 71 of the same act prohibits the use of any cellar occupied separately as a dwelling, built or rebuilt after the passing of the act, and section 72 provides that any cellar dwelling so separately used shall not continue to be used unless the ceiling is 3 feet above the ground, 7 feet above the floor, and there are an open area 2 feet 6 inches wide along the frontage, a drain of 1 foot below the level of the floor, the use of a proper convenience, a fireplace with chimney and flue, and an external window of 9 superficial feet. By section 73 any person letting, occupying, or who knowingly suffers to be occupied for rent or hire such cellar after written notice from the authority is liable to a penalty.

In the Leeds by-laws on new streets, etc., made under Public Health Acts and local acts, and recently (in May, 1902) revised, it is provided

(the clause being slighty altered from the corresponding clause in the old by-laws) that on the report of the medical officer of health or surveyor that a house is unfit for habitation the authority may serve a a notice upon the owner requiring him to show cause why it should not be closed, and in default or insufficiency of such showing may direct the building to be closed. (See inclosure.)

The advantage of the action of closure by by-law rather than by Public Health Act is that the authority is given power to act at once instead of going before the magistrates. There is, of course, an appeal to quarter sessions in either case.

The Housing of the Working Classes Act, 1890, section 30, requires the medical officer of health to represent to the local authority any dwelling house which appears to him to be in a state so dangerous or injurious to health as to be unfit for human habitation. Section 31 enables four or more householders living in or near to any street to complain to the medical officer of health, and it requires him to inspect and report to the sanitary authority.

Subsection 2 provides that if within three months after receiving an opinion or representation from the medical officer of health the local authority (an urban authority outside London) declines to take proceedings, the householders who complained may petition the local government board to make an inquiry.

Section 32 makes it "the duty of every local authority to cause inspection to be made from time to time of their district, with a view to ascertain whether any dwelling house therein is unfit for human habitation, and if, on representation of the medical officer of health, any dwelling house appears to them to be in such state, to forthwith take proceedings against the owner * * * for closing the dwelling house under the enactments set out in the third schedule of the act" (which for the purposes of Leeds are the ninety-first, ninety-fourth, ninety-fifth, and ninety-seventh sections of the Public Health Act, 1875).

The same section (subsection 2) enacts that such proceedings may be taken for the express purpose of causing the dwelling house to be closed, whether the dwelling house be occupied or not, and the court may enforce a penalty and make a closing order under forms given in the fourth schedule. The third subsection prescribes the serving of the notice upon the occupying tenant, requiring him within a certain time (not less than seven days) to cease from inhabiting the house, under a penalty, and enables the authority to make such tenant a reasonable allowance, at the expense of the owner, for his expenses in removing, subject to the ruling of court.

DEMOLITION.

Under the Housing of the Working Classes Act, 1890, section 33, where the authority is satisfied that due diligence has not been exercised in making the house fit for habitation, and that the continued existence of the house is a danger to the neighborhood, they may fix a time for considering the matter and give notice to the owner, who may attend, and if not satisfied that the house is or will be made fit for habitation, the authority may order its demolition.

By section 34, where the order for demolition has not been complied with, the authority may remove the building, and where this has been done no other house or building which is injurious to health shall be erected upon the site. There is the usual appeal to quarter sessions.

COMPENSATION.

The owner of the insanitary property is not compensated at all. The tenant, however, as already remarked, under section 32 (3), may receive compensation for expenses of removal from the owner if the court and the authority think fit.

GENERAL.

The use of the local by-law is generally resorted to for the reason given. Its action is more expeditious and it facilitates a conference between the owner and the local authority. It has frequently happened in Leeds that at such conferences the authority has been willing to purchase from the owner buildings which are partly uninhabitable and partly obstructive and, by a sort of compromise partly at the expense of the corporation and partly at loss to the owner, effect an improvement. In this way much light and air has been let into dark courts, the arrangement of sanitary conveniences has been greatly improved, and the general condition of the occupants ameliorated.

The powers in the Housing Act relating to obstructive buildings (sec. 38) are often in this way combined with the powers of closure, and a bargain struck where the actual powers of the law would be slow in operation. The housing of the Working-Classes Act is unfortunately so badly worded that a great deal of legal obstruction can take place. Usually by some compromise such delay is avoided and the best improvements effected.

In the consolidation bill now being promoted by the city we seek powers to extend the action of the local clauses to demolition in the same way as a closing order of the magistrate can be extended in the general act of 1890, and for the same reasons.

Report from Manchester.

The following is received from Consul Bradley, under date of February 5:

The number of houses dealt with under clause 41 of the Manchester Corporation Waterworks and Improvements Act of 1867, since 1885, is from 8,000 to 9,000.

The procedure under this act is as follows: After the certificate of the inspector has been presented to the committee they visit the property, and a notification is sent to the owner, stating that the committee will meet at a certain time, place, and date, to take into consideration the making of an order (as per form inclosed).

If an order be made and afterwards confirmed by the council, the notice to close is served as required by the clause.

It is usual to allow to owners the sum of £15 per house for all houses of two rooms demolished to provide yard space, light and ventilation for remaining houses, where the work is carried out to the satisfaction of the sanitary committee.

Where large insanitary areas are cleared for the purpose of erecting houses on the sites, proceedings are taken under the housing of the Working Classes Act, 1890.

NETHERLANDS.

Report from Rotterdam.

The following is received from Consul Listoe, under date of January, 28:

Provisions for reimbursing the tenant for vacating or the owner for

the demolition of a house are contained in the law on "Volkshuisvesting" (inclosure No. 3 in separate cover), pages 71 to 80. In short, the provisions are as follows: When it has been decided by the city government that a building is unfit to live in and unfit for any other purpose and therefore has to be demolished, the owner is reimbursed to the amount of the appraised value of the lot on which the building stands and the appraised value of the building material from which the house is constructed. A tenant who has to vacate a dwelling to be demolished is reimbursed to the amount of four times the rent for the period for which he has rented, not to exceed the rent for one year. A tenant who rented the dwelling he has vacated by the week is reimbursed by the city authorities to the amount of four times the weekly rent.

AUSTRALIA.

Report from Melbourne—Plague in Brisbane—Western Australia free from plague.

Consul-General Bray forwards the following received from Alfred D. Larkin, department of external affairs, Melbourne:

Melbourne, February 16, 1904: In continuation of my telegram of the 12th of February I have the honor to inform you that another case of plague was discovered in Brisbane on the 13th instant.

February 17, 1904: I have the honor to inform you that the State of Western Australia has been declared free from plague, the last case having occurred on the 4th November, 1903.

February 19, 1904: In continuation of my letter of the 16th February, I have the honor to inform you that a fourth case of plague was reported at Brisbane on the 17th instant.

Report from Sydney.

Leprosy in New South Wales for the year 1901.

The following is taken from the report by Dr. Ashburton Thompson, chief medical officer of the Government and president of the board of health:

DEPARTMENT OF PUBLIC HEALTH,
Sydney, December 31, 1903.

On January 1, 1901, 11 persons remained under detention at the lazaret.

During the year 10 persons were reported to the board under the leprosy act, 1890, as being suspected lepers, and of these 9 were ultimately admitted to the lazaret under warrants which were issued by the board after careful inquiry into each case.

Five patients died during the year; 2 were natives of New South Wales of European descent; 1 a native of Fiji of European descent; 1 a native of Tanna (New Hebrides), and 1 a female Chinese.

Thus the number remaining in the lazaret on December 31, 1901, was 15 persons; 9 were whites, 5 of whom were natives of New South Wales of European descent, 1 was a native of Germany, 2 were natives of England, and 1 was a native of the United States of America. Of the colored lepers, 1 was a Javanese, 4 were natives of China, and 1 a native of Aoba Island, New Hebrides.